

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

MARCUS SEARS

PLAINTIFF

VS.

CIVIL ACTION NO. 5:14-cv-65(DCB)(JCG)

F. SHAW, Warden, et al.

DEFENDANTS

ORDER ADOPTING REPORT AND RECOMMENDATION

This cause is before the Court on Magistrate Judge John C. Gargiulo's Report and Recommendation (**docket entry 60**), to which no objections were filed by the plaintiff. Having carefully reviewed same, the Court finds as follows:

On March 17, 2016, the Court entered an Order adopting Magistrate Judge Gargiulo's Report and Recommendation and dismissing plaintiff Marcus Sears' failure to protect claim for failure to exhaust administrative remedies. See Docket Entry 54. The Order also found that Sears had exhausted his administrative remedies as to his remaining claims regarding segregation and restricted privileges. Id. Defendants Christopher Epps and Archie Longley subsequently filed a motion for summary judgment (**docket entry 50**). Defendants Warden Frank Shaw, Captain Mary Groom, Unit Manager Erika Perkins, and Major Gabriel Walker also filed a motion for summary judgment (**docket entry 52**). Sears also filed several motions (**docket entries 49, 55, 58, 59**) dealing with his failure to protect claim which has already been dismissed.

Magistrate Judge Gargiulo recommends that defendants Epps and Longley's motion for summary judgment be granted; that defendants Warden Frank Shaw, Captain Mary Groom, Unit Manager Erika Perkins, and Major Gabriel Walker's motion for summary judgment be granted; that Sears' motions be denied; and that this case be dismissed in its entirety.

Despite being served with the Report and Recommendation on July 11, 2016 (see Acknowledgment of Receipt, docket entry 61), which warned him that he had 14 days to make any objections, Sears did not object to any aspect of the Report and Recommendation. The Court therefore shall adopt the Report and Recommendation.

Accordingly,

IT IS HEREBY ORDERED that Magistrate Judge John C. Gargiulo's Report and Recommendation (**docket entry 60**) is ADOPTED as the findings and conclusions of this Court;

FURTHER ORDERED that defendants Christopher Epps and Archie Longley's motion for summary judgment (**docket entry 50**) is GRANTED;

FURTHER ORDERED that defendants Warden Frank Shaw, Captain Mary Groom, Unit Manager Erika Perkins, and Major Gabriel Walker's motion for summary judgment (**docket entry 52**) is GRANTED;

FURTHER ORDERED that plaintiff Sears' motions (**docket entries 49, 55, 58, 59**) are DENIED;

FURTHER ORDERED that this case is dismissed with prejudice.

A final judgment shall be entered of even date herewith.

SO ORDERED, this the 13th day of September, 2016.

/s/ David Bramlette
UNITED STATES DISTRICT JUDGE